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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/652,014

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Stephen J. Padden

9673

7590

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EXAMINER

SAWHNEY, HARGOBIND S

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/652,014	Applicant(s) PADDEN, STEPHEN J.	
	Examiner Hargobind S Sawhney	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7 and 12-16 is/are rejected.
- 7) ☒ Claim(s) 5 and 8-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 4 is objected to because of the following informalities:

The limitation "said support member", recited in line 5, is neither included in rest of Claim 4, nor in other base claims 1-3. Therefore, the limitation lacks sufficient antecedent basis.

Appropriate correction is required.

Claim 4 of the instant application has been examined considering "the support member" as -- the support body including a socket for the ball element—as detailed first paragraph in page 5 of the specification.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Leipold et al. (US Patent No.: 2,117,967).

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Regarding claims 1-4, Leipold et al. ('967) discloses an articulated illumination device (Figures 1 and 2) comprising:

- an illumination means 12 insertably received in a holding sleeve 29 (Figure 2, page 2, lines 9 and 63-68);
- an attachment means 29,31 – cooperative combination of slits of holding sleeve 29 and the lugs 31 on the illumination means 12 (Figure 2, page 2, lines 67-74)- and releasably attaching each other;
- the illumination means 12 including an elongated body with a light source (Figure 2, page 2, lines 17-28);
- a support body 8 carrying – supporting - the attachment means 29,31 (Figure 1, page 1, lines 54 and 55 and page 2, lines 5-11);
- a universal joint 9,13 - the combination of elements 9 and 13- coupling the elongated body and the support body 8 (Figure 2, Page 2, lines 12-18);
- the universal joint 9,13 including a ball 13 carried by the elongated body – a portion of the illumination means 12 -, and a socket 9 carried by the support body 8 (Figure 2);
- the elongated body 12 including a shank –an extension integral with the ball 13 – securing the ball 13 in fixed relationship (Figure 2); and
- the support body 8 including a socket 9 receiving the shank- with the ball 13-, and permitting the illumination means emit light normal to the central longitudinal axis of the socket.

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4. Claims 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kozar (US Patent No.: 4,533,982).

Regarding claims 1-4, Kozar ('982) discloses an articulated illumination device 10 (Figures 1 and 4) comprising:

- an illumination means having an elongated body 14 terminating at one end with an adjustable light source 64 (Figure 4, column 2, lines 30-33);
- a support body 106 with an attachment device 102 releasably securing the support body 106 to a supporting structure – supporting floor below the attachment device 102- (Figure 4, column 3, lines 54-62);
- a universal connector 38 rotatably joining the elongated body 14 to the support body 106 (not shown, column 2, lines 54-59); and
- the attachment device 102 employing a magnetic attraction force field (Figure 4, column 3, lines 54-62).

5. Claims 12, 13 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson et al. (US Patent No.: 4,533,982).

Regarding claims 12, 13 and 16, Johnson et al. ('323) discloses an articulated illumination device (Figures 1 and 2) comprising:

- an elongated housing 20 having a light source at its first end – a light source received in a casing 22 - (Figure 2, column 1, lines 66 and 67), and a support body 10 – a combination of elements 12, 18, 10 and 38 - at its other end (Figure 1, column 1, lines 54-56);

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- a universal coupling 18 – a combination of a ball element 18 and a socket 12 – joining the second end of the housing 20 with the support body 10 (Figure 1, column 1, lines 59-65);
- an attachment arrangement 38 – the element 38 in combination with the element 10 – carried by the support body 10, and detachably securing the support body 10 and the elongated housing 20 on a supporting structure (Figure 1, column 2, lines 21-24); and
- the attachment arrangement being a resilient clip 38 (Figure 1, column 2, lines 21-24).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 14 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (US Patent No.: 4,533,982) in view of Wylie et al. (US Patent No.: 4,740,874).

Regarding Claim 14, Johnson et al. ('323) does not disclose an articulated illumination device including a magnetically attractive element carried on the support body of the device.

On the other hand, Wylie et al. ('874) discloses an illumination device 30 (Figure 1, column 2, lines 49 and 50) comprising a magnetic element 1 carried on the support 3 (Figure 1, column 2, lines 57-60).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the articulated illumination device of Johnson et al. ('323) by providing the magnetic attachment as taught by Wylie et al. ('874) for benefit and advantage of securing the device to any ferrous object, and thus improve usability of the device.

Regarding Claim 15, Johnson et al. ('323) in view of Wylie et al. ('874) discloses an articulated illumination device further comprising a key ring 2 (Wylie, Figure 1, column 2, line 61) and a pocket clip 38 (Johnson, Figure 1, column 2, lines 21 and 22).

### ***Allowable Subject Matter***

8. Claims 5 and 8-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record, including Leipold et al. (US Patent No.: 2,117,967), does not show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose an illumination device combining:

- a magnetic attachment means including a first element of attraction disposed on the elongated body, of an illumination means, and the

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second element of attraction disposed on the support body as recited in

Claim 5;

- a supporting structure being a holding sleeve receiving and storing an illumination means and a support body as recited in Claim 8;

The above-indicated combination, including first and second magnetic elements used for detachably attaching two components of the illuminating device is unique. The use of two magnetic elements for attachment allows the use of non-ferrous material for casing and other elements of the device.

Claims 9-11 are necessarily objected because of their dependency on the objected base Claim 8.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wallach (U.S. Patent No. 6,736,531 B2), Kung (U.S. Patent No. 6,669,353 B2), Shih (U.S. Patent Application Pub. No. US 2003/0231491 A1), Yang (U.S. Patent Application Pub. No. US2003/0227773 A1), Schnell (U.S. Patent No. 6,619,813 B1), Zeller (U.S. Patent No. 6,601,967 B1), Chang (U.S. Patent No. 6,186,638 B1), Birdwell (U.S. Patent No. 6,158,876), Ellery-Guy (U.S. Patent No. 5,934,223), O'Keene et al. (U.S. Patent No. 5,615,920), Van Gennep (U.S. Patent No. 5,573,329), Duddy (U.S. Patent No. 4,506,317), Moore (U.S. Patent No. 3,008,040) and Wappler (U.S. Patent No. 1,741,264).



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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571 272 2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HSS  
1/18/05

  
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